

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Dennis A. Smith

v.


Civil No. 07-cv-119-SM

Commissioner, NH Department
of Corrections, et al

ORDER

Re: Document No. 71, Motion for Immediate Emergency Hearing

Ruling: The motion, in substance, seeks relief in the form of an injunction requiring plaintiff's immediate removal from the Texas prison system, based upon allegations that the conditions to which defendant is being exposed are dangerous and threatening. The substantive issues in this case relate to plaintiff's claims of constitutional deprivations related to actions taken in New Hampshire related to his alleged serious medical needs. The conditions of his confinement in Texas is an entirely different matter, and plaintiff's "motion for immediate emergency hearing" does not articulate with any specificity what facts might entitle him to relief. Moreover, it appears that any effort to obtain relief from allegedly unlawful conditions of confinement in Texas would properly lie in Texas and not in this jurisdiction. While plaintiff is in custody pursuant to a New Hampshire judgment, Texas officials are responsible for the conditions imposed (plaintiff is housed in Texas under the terms of an interstate agreement), and presumably it is Texas officials who allegedly are violating plaintiff's asserted rights. The motion is denied, but without prejudice.


Steven J. McAuliffe
Chief District Judge

Date: January 18, 2008

cc: Dennis A. Smith, pro se
Danielle Leah Pacik, Esq.